

ADMINISTRATIVE OFFICE OF THE COURTS

TITLE IX IMPLEMENTATION PLAN

2012 UPDATE

I. Overview of the Administrative Office of the Courts

The Administrative Office of the Courts provides support services to the Tennessee Supreme Court and the entire state court system. The administrative director, appointed by the Supreme Court, is the administrative officer for the courts and oversees daily operations. Duties of the office include preparing the court system's annual budget; providing judicial education, computers, equipment, training and technical support for judges and other court personnel; assisting judges with case assignments; administering payroll and human resources functions for the court system; conducting orientation for new judges; administering the official state criminal court reporters system; providing assistance to judicial committees; compiling data; and disbursing funds to court-appointed attorneys representing indigents and providing support to the Child Support Magistrates Program.

II. Budget

The operational budget for fiscal year 2011-2012 was \$126,002,000. This total budget is comprised of

- State Appropriations
- Federal Revenue
- Current Service Revenue
- Interdepartmental Revenue

COURT SYSTEM						
BUDGET FOR FISCAL YEAR 2011-12						
		State	Federal	Current Service	Interdepartmental	
		Appropriations	Revenue	Revenue	Revenue	TOTAL
302.01	Appellate and Trial Courts	56,891,000		\$5,000	\$22,300	\$56,918,300
302.05	Supreme Court Buildings	2,647,200			613,000	3,260,200
302.08	Child Support Referees	761,700			1,608,800	2,370,500
302.09	Guardian ad Litem	6,047,500				6,047,500
302.10	Indigent Defendants Counsel	31,463,000		5,000		31,468,000
302.11	Civil Legal Representation Fund	3,327,900				3,327,900
302.12	Verbatim Transcripts	4,057,300				4,057,300
302.15	Law Libraries	74,500				74,500
302.16	Juvenile and Family Court Judges	78,400			121,000	199,400
302.18	Judicial Conference	221,800		40,000		261,800
302.20	Judicial Programs and Commissions	429,900		190,000	308,200	928,100
302.22	State Court Clerk's Conference	259,000				259,000
302.27	Administrative Office of the Courts	8,052,300	400,000	100,000	756,000	9,308,300
302.30	Appellate Court Clerk's Offices	516,800		911,600	715,500	2,143,900
302.34	Board of Court Reporting	167,300				167,300
302.35	Board of Law Examiners	718,000				718,000
302.40	Board of Professional Responsibility	3,051,200				3,051,200
302.50	TN Lawyers' Assistance Program	446,100				446,100
302.60	TN Commission on Continuing Legal Education	786,200				786,200
302.65	Lawyers' Fund for Client Protection	208,500				208,500
	Total Budget	\$120,205,600	\$400,000	\$1,251,600	\$4,144,800	\$126,002,000

III. Title IX Coordinator

The responsibility for coordinating Title IX for the Administrative Office of the Courts is assigned to Cynthia H. Saladin, Human Resources Manager.

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The Title IX coordinator's duties will include monitoring recipients' compliance with Title IX and the guidelines set forth by the Administrative Office of the Courts. The coordinator will develop annual Title IX implementation plan update, compile reports describing Title IX compliance and related activities, and address complaints under the procedures outlined in this plan.

The ultimate responsibility for complying with Title IX is vested with the Administrative Director of the Courts, who is accountable for overall administration of the programs and contracts of the Administrative Office of the Courts.

IV. Civil Rights Policy

It is the policy of the Administrative Office of the Courts to promote equal employment opportunity and eliminate unlawful discrimination against individuals because of race, sex, religion, color, national origin, age, disability or other non-merit factors. Furthermore, it is the policy of the Administrative Office of the Courts not to discriminate against any student, employee, or applicant on the basis of race, sex, religion, color, national origin, age, or disability. The Administrative Office of the Courts will ensure that no employee will be excluded from participating in or having access to any course offerings, employment assistance, or other employer resources based on unlawful discrimination. The Administrative Office of the Courts will take all necessary steps to ensure that each employee's work environment is free of unlawful discrimination based on sex, race, religion, color, national origin, age, or disability.

The Administrative Office of the Courts reaffirms its Judicial Branch General Policy Statement: "It is the policy of the Administrative Office of the Courts that no person shall on the grounds of race, color, national origin or sex, as provided by Title VI of the Civil Rights Act of 1964 and Title IX of the Education Amendments Act of the 1972, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any federally funded program or activity." To promote our commitment to this policy, employees at all levels are required to attend an on-line Power Point Title VI and Title IX training program and complete the associated on-line post-test.

In addition, the Judicial Branch reaffirms its commitment to the Equal Employment Opportunity Policy which states that "It is the policy of the judicial branch to promote equal employment opportunity and to eliminate unlawful discrimination and harassment of individuals because of sex, national origin, religion, creed, color, age, veteran status, disability, race or other non-merit facts. A work environment free of all discriminatory practices and harassment shall be provided."

These policies apply to all aspects of the programs and services operated by or through contracts or subcontracts from the Administrative Office of the Courts.

V. Prohibition against Discriminatory Practices

The Administrative Office of the Courts prohibits the following practices committed on the basis of race, sex, religion, color, national origin, age, or disability:

1. Denying any individual service, aid or other benefit provided under the program;
2. Providing any service, aid, or other benefit to an individual which is different, or is provided in a different manner, from that provided to others under the program;
3. Subjecting an individual to segregation or separate treatment in any matter related to his or her receipt of any service, aid or other benefit under the program;
4. Restricting an individual in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any service, aid or other benefit under the program;
5. Treating an individual differently from others in determining whether he or she satisfies any requirement or condition which individuals must meet in order to be provided any service, aid or other benefit under the program;
6. Denying an individual an opportunity to participate in the program through the provision of services or otherwise, or afford him or her the opportunity to do so which is different from that afforded others under the program;
7. Subjecting an individual to discrimination in employment practices under such program; or
8. Addressing an individual in a manner that denotes inferiority.

VI. Definitions:

Beneficiaries: Those persons to whom assistance, services or benefits are ultimately provided.

Compliance: The fulfillment of the requirements of Title IX, other applicable laws, implementing regulations and instructions to the extent that no distinctions are made in the delivery of services or benefits on the basis of sex, race, religion, color, national origin, age, or disability.

Complaints: A verbal or written allegation of discrimination which indicates that any federally assisted program is operated in such a manner that it results in disparity of treatment to persons or groups of persons because of sex, race, religion, color, national origin, age, or disability.

Discrimination: To make any distinction between one person or group of persons and others intentionally, by neglect, or by the effect of actions or lack of actions based on sex, race, religion, color, national origin, age, or disability.

Federal Assistance: Any funding, property or aid provided for the purpose of assisting a beneficiary. Federal financial assistance may be in the form of property, technical assistance, grants or partnerships and does not refer solely to the distribution of funds.

Minority: A person or group of persons differing from others in some characteristics and often subjected to differential treatment on the basis of race, color or national origin.

Noncompliance: Failure or refusal to comply with Title IX of the Education Amendments of 1972, other applicable civil rights laws, and implementing departmental regulations.

Public Notification: Process of publicizing information on the availability of programs, services, benefits and the right to file a Title IX complaint.

Service Delivery Area: The area served by a service delivery point in the administration of federally assisted programs.

Service Delivery Point: The place in which federally assisted program services or benefits are administered to the public.

Title IX of the Education Amendments of 1972: No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.

VII. Compliance

The overall responsibility for complying with the provisions of Title IX is vested in the Administrative Director. The Administrative Director shall appoint a Title IX Coordinator who will perform reviews and report on Title IX compliance annually. If Title IX deficiencies are noted, prompt and corrective action shall be taken. The Administrative Office of the Courts shall inform those eligible for programs about all available services and about their rights under Title IX. The Administrative Office of the Courts will collect data on who is being served by the programs offered. The Administrative Office of the Courts will maintain and report records of compliance to the federal agency administering the programs.

VIII. Staff and Budgetary Resources and Training

The Director of the Administrative Office of the Courts has overall responsibility for ensuring Title IX compliance. The responsibility for coordinating Title IX is assigned to the Human Resources Manager. The Title IX Coordinator monitors Title IX compliance for the agency and alerts the Director of any complaints or noncompliance issues that require action. The Title IX Coordinator shall appoint such support staff as required for plan development, implementation and periodic training. In addition, external resources may be utilized to provide training.

IX. Statement of Assurances

The Administrative Office of the Courts hereby agrees that it will comply with Title IX of the Education Amendments of 1972 and any directives and regulations issued pursuant to that act.

Assurance is hereby given that the Administrative Office of the Courts will immediately take any measures necessary to effectuate compliance and this assurance is given for the purpose of obtaining any and all federal financial assistance.

X. Public Notification

The Title IX Implementation Plan for the Administrative Office of the Courts is posted on the Supreme Court web page <http://www.tncourts.gov/administration/human-resources/title-vi-title-ix>. Fact sheets and posters have been distributed to judicial personnel and to programs servicing the court system with instructions to display in a prominent location. These efforts will inform staff, beneficiaries and potential beneficiaries of the courts nondiscrimination policy and the procedures for filing a complaint.

In addition, the Administrative Office of the Courts disseminates its nondiscrimination policy statement in

employee handbooks, employment applications and job postings.

XI. Compliance Reviews

The Title IX Coordinator may conduct on-site monitoring visits if deemed necessary. Any complaints will be reported to the Title IX Coordinator. Compliance reviews determine compliance and noncompliance in the delivery of benefits and services in federally assisted programs.

XII. Complaints of Discrimination

Any person alleging discrimination based on sex, race, religion, color, national origin, age, or disability has a right to file a complaint within 180 days of the alleged discrimination. At the complainant's discretion, the complaint may be filed with (1) the Title IX coordinator of the Administrative Office of the Courts, (2) the appropriate federal agency or (3) the recipient agency. It is not necessary to know the identity of the complainant, so long as the information is sufficient to determine the identities of the recipient and indicates the possibility of a violation. Complaints should be handled within 90 days of their receipt. If the identity of the complainant is known, a letter should be sent acknowledging receipt of the complaint and requesting a time and date an investigator can contact the complainant by telephone to discuss the complaint. A preliminary inquiry shall be conducted on all complaints to substantiate or refute the allegations. If the preliminary inquiry indicates that there may be a problem, then a full complaint investigation shall be initiated. If the identity of the complainant is known, a letter will be sent to the complainant explaining that an investigation will be started and that their cooperation will be needed in the future. If the allegations are not substantiated, a letter will be sent to the complainant that contains a description of the allegations investigated, the scope of the investigation, the facts learned and a closing statement summarizing the basis on which the determination was made. Copies of complaints and their dispositions will be kept for records and submission to the proper federal authorities.

The Administrative Office of the Courts received no Title IX complaints during this past year.

XIV. Effecting Compliance

Any contracting agency or governmental unit found to be in noncompliance with Title IX shall be given written notice from the Director of the Administrative Office of the Courts. However, failure to eliminate the source of noncompliance within 90 days of receipt of the written notice will be considered as a violation of the terms of the contract and may serve as basis for contract suspension, termination or rejection.